

DELEGATE ROBIE: Mr. Chairman, since the minority opinion has come from most of the lawyers, who were on our Committee, and since you have professed a rather naive knowledge of the difference between the state board powers and the local boards of education powers, I am wondering if you really do know what the Annotated Code of Maryland, Article 77, says? It is backed by several decisions.

THE CHAIRMAN: The Chair suggests these questions are for clarification of the Minority Report, Delegate Robie.

DELEGATE ROBIE: I am asking if they are familiar with the laws as have been set up, because there is definitely a difference between the local boards and the State Board.

THE CHAIRMAN: Very well answer the question, Delegate Lord.

DELEGATE LORD: Delegate Robie, I am certainly aware and read carefully the language of Article 77. I think, without referring to the specific language, that the approach of the majority in sections 4 and 5 would reverse the pattern of control as it has historically existed between the State Board and the local boards.

As Article 77 is presently written, the State Board has the power to coordinate and set standards. It does not have the power to control. This power is specifically granted by section 4 of the Majority Report, with virtually no explanation. On the other side of the coin, if I could briefly finish, the local boards are given only the power to manage, whereas actually under Article 77 as it is written now, they have the power of control.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Delegate Lord, could you please tell me whether the phrase, by law, indicates by public general law, or by law which can vary from county to county? That is line 7, section 8.03, public education, "the State shall provide by law."

DELEGATE LORD: Delegate Maurer, it is the intention of the minority —

THE CHAIRMAN: The Chair is lost. Line 7 of what, Delegate Maurer?

DELEGATE MAURER: I am sorry, sir, the Minority Report which we are following.

DELEGATE LORD: The answer is that it is the intention of the minority clearly that this could be a law that varies in force and effect from county to county.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: Could you please tell me, since you used the phrase, the State, instead of the General Assembly, whether anybody else could pass laws with respect to providing for a statewide system of public education?

DELEGATE LORD: The answer is no.

THE CHAIRMAN: The time for questioning the minority spokesman has expired. If he will return to his desk, we can consider the amendments, section by section.

Delegate Lord, there are two amendments marked E and F to accompany the Minority Report. Can you tell me which you desire to offer?

DELEGATE LORD: Mr. Chairman, we will offer minority amendment F.

THE CHAIRMAN: Will the pages please distribute minority amendment F?

This will be Amendment No. 1. The Clerk will read the amendment.

READING CLERK: Amendment No. 1 (to accompany Minority Report GP-6(A)) to Committee Recommendation GP-6 by Delegates Boyer, Lord, Jett, Key, Singer, E. J. Clarke, Caldwell:

On page 1 strike out all of section 1 comprising lines 5 through 11, inclusive, and on pages 1 and 2 strike out all of section 4, comprising lines 21 through 24, inclusive, on page 1, and all of lines 1 through 10, inclusive, on page 2 and insert in lieu thereof the following:

"Section            Public Education?"

The State shall provide by law for a statewide system of free public schools headed by a governing board appointed by the governor. The State shall also provide by law for such other public educational institutions and services as may be necessary or desirable for the intellectual, cultural and occupational development of the people of the State.

THE CHAIRMAN: Under the debate schedule, sections 1 and 4 are being considered together. Amendment No. 1 goes to both sections. This is a period of controlled debate, twenty minutes controlled by Delegate Lord, twenty minutes by Delegate Wheatley. The Chair recognizes Delegate Lord.

DELEGATE LORD: Mr. Chairman, I will yield three minutes to Delegate Jett.